

pandemic since the day it took office. But 2001 came and went without a plan, then 2002, 2003, 2004, and almost all of 2005, and still no plan. In each of these years, the warnings of a potential pandemic grew louder but were ignored.

This chart shows the warnings that have been offered by health experts around the world. From May 2002, the World Health Organization:

Authorities must understand the potential impact and threat of pandemic influenza.

This is from the GAO, November 2000:

Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

From the Institute of Medicine in 1992:

Polymakers must realize and understand the magnitude of the influenza pandemic.

Then we had the series of flu outbreaks: December 2003, outbreak in South Korea; outbreak in Vietnam, 2004; outbreak in 2006 of avian flu in Britain. This chart shows all the outbreaks in the most recent years.

What have other nations done on the pandemic? First, let's look at other countries around the world that have developed a comprehensive plan for the pandemic. In October 1997, we had a program by the Japanese; Canada in February 2004; Czechoslovakia in April 2004; February 2005, Hong Kong; March of 2005, Great Britain.

I will not include these plans in the RECORD, but let me show the extent of the British pandemic flu program. I have illustrated this at other times during similar discussions. Here is the Canadian plan. These are enormously comprehensive programs. They are programs that deal with rural areas, urban areas, training programs. And not only are there programs, they are being implemented. Our strategy was issued in November 2005, and it has remained incomplete since then. The administration has sent a second plan to us now.

What is it basically that we are trying to do? We are trying to get a comprehensive plan from the administration, a plan that has been implemented. Let me show one other chart. This isn't just what I believe. From the GAO report, November 2000:

Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

From June 2005:

The draft plan does not establish the actions the Federal Government would take to purchase and distribute the vaccine during an influenza pandemic.

This is from a GAO June 2005 report. That is the current situation.

Right now, we have in this legislation resources to purchase the vaccines in an emergency. But we do not have a compensation program. We have a compensation program in name, but that is all it is. It is not funded. Well, you can say we will try to find a way to fund it in the future. Tell that to the downwinders out in Utah. Tell that to my friend, Senator HATCH, who has

been absolutely brilliant in terms of looking after those individuals, whose lives were so affected by the experiments with nuclear materials so many years ago. He, to his credit, developed a compensation program. I welcomed the opportunity to work with him to try to help these people whose health had been absolutely destroyed by exposures, in the national interest, as we developed various nuclear weapons.

Here is our majority leader, Senator FRIST, who said:

Too many health care workers have been deterred from receiving the smallpox vaccine—in part because of the uncertainties about what would happen, and how they would provide for themselves, if they suffered a serious adverse reaction to the vaccine.

That states it as clearly and succinctly as one could possibly say it. We do not have a guaranteed compensation program for pandemic flu vaccines in this legislation or in any other place in our health care system. This amendment provides a down-payment for the compensation program. You can say: Well, why should we do that for this particular program? All we have to do is look at other vaccine programs, other public health programs, for swine flu, childhood vaccines, and, after Congress acted, for smallpox. We had a compensation plan for people injured by those experimental vaccines. But for the new ones, we only have an empty sham of a compensation, with no funding.

So, Mr. President, that is what this amendment does. It provides some \$289 million for the development of that compensation program. It is effectively the same kind of program that has been essential in the past, and it is essential now if we expect our front-line responders to be willing to take experimental vaccines and to risk their lives for the common good of the community that may well be threatened by avian flu or bioterrorism. Individuals who are well trained as front-line responders ought to have the assurance that if they take an experimental drug and they go out there to protect the public, if something is going to happen to them, there will be a compensation fund to compensate them for their health care needs and their immediate needs, if that should turn out to be the case. Nothing more, nothing less. That is essentially what this amendment does.

Mr. President, I see our floor managers here. I am glad to accommodate whatever they would like. I would like to get a yeas and nays vote at some time. I know they have a full program. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, if the Senator will yield, I am checking with the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services to

see what the reaction is to the amendment. They are having a hearing as we speak over in the Appropriations Committee. So I feel obliged to get their advice and counsel as to what response ought to be made, if any, to the Senator's amendment. We have no objection to proceeding or to having a vote on the amendment, but the Senate is entitled to know what the reaction might be.

Mr. KENNEDY. That is fine and understandable. I will wait until we hear from the chairman and ranking member. I don't intend to extend the discussion. I think it is pretty understandable. I am glad to wait until the leader lets us know when they want to address it and complete action on it. I will be available.

Mr. COCHRAN. Mr. President, I thank the Senator very much for that indulgence. If there are others who wish to offer amendments, I am prepared to ask unanimous consent to temporarily lay aside the amendment of the Senator from Massachusetts to permit other amendments to be offered. I do ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I would like to offer two amendments and have a moment to speak about two amendments that are germane.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

AMENDMENT NO. 3750

Ms. LANDRIEU. Mr. President, I will bring up for a brief discussion my amendment No. 3750.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3750.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to develop a comprehensive plan for the deauthorization of deep draft navigation on the Mississippi River Gulf Outlet and address wetland losses and other issues relating to that Outlet)

On page 159, strike lines 1 through 10 and insert the following:

\$7,250,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, shall use \$3,500,000 to develop a comprehensive plan, at full Federal expense, that, at a minimum, will deauthorize deep draft navigation on the Mississippi River Gulf Outlet established by Public Law 84-455 (70 Stat. 65, chapter 112) (referred to in this matter as the "Outlet"), extending from the Gulf of Mexico to the Gulf Intracoastal Waterway, and address wetland losses attributable to the Outlet, channel bank erosion, hurricane and storm protection, saltwater intrusion, navigation, ecosystem restoration, and related issues: *Provided further*, That the plan shall